

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	8:09CR104
Plaintiff,)	
)	
v.)	
)	ORDER
JORGE URIEL-ESQUIVEL,)	
)	
Defendant.)	
_____)	

This matter is before the Court on defendant's Motion for Request of Extension of Time to Place a Formal Appeal under Title 28 U.S.C. § 2255 as Timely and Within 30 Days of the One Year Anniversary of Sentencing Therein, Filing No. 104. The court will construe Filing No. 104 as a motion to vacate, set aside, or correct his sentence under 28 U.S.C. § 2255 ("§ 2255 motion"), but the defendant must fill out the appropriate paperwork and file it within thirty (30) days of this Order. The court will direct the Clerk of Court to send the defendant the appropriate forms for a § 2255 motion and for requesting leave to proceed in forma pauperis.

THEREFORE, IT IS ORDERED:

1. The Clerk of Court is directed to mail to the defendant, at his last known address, the forms and instructions necessary to enable the defendant to file a § 2255 motion and application to proceed without payment of fees;
2. The defendant shall file a § 2255 motion using the forms supplied by the Clerk of Court within one month of the date of this order; and
3. The motion of relief pursuant to 28 U.S.C. § 2255 is deemed filed as of August 29, 2011.

DATED this 6th day of September, 2011.

BY THE COURT:

/s Joseph F. Bataillon

JOSEPH F. BATAILLON
Chief Judge, United States District Court